

Amended (5/28/08)*

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2507

Wednesday, March 5, 2008, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Cantees	Alberty	Boulden, Legal
Cantrell	Midget	Fernandez	
Carnes	Perry	Huntsinger	
Harmon		Matthews	
Marshall		Parker	
McArtor		Sansone	
Shivel			
Sparks			

The notice and amended agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 3, 2008 at 8:33 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reported that the Planning Commissioners have been given the latest edition of the Zoning Atlas and a CD. These are now available to the general public and the fees are \$150.00 for the booklet and the CD is \$150.00.

Mr. Ard read the opening statement and rules of conduct for the TMAPC meeting.

CONSENT AGENDA:

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

TMAPC COMMENTS:

Mr. Ard stated that there are two items on the consent agenda that have had some changes by staff and they will be removed from the consent agenda. The items being removed are number 10, Z-7008-SP-1d and number 11, PUD-639-A-4.

1. ***Woodland Hills Courtyard by Marriott –** (PD 18) (CD 7)
(8301)/Final Plat
West of the northwest corner of South Mingo and East 71st Street
South

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 3.1 acres.

All release letters have been received and staff can recommend **APPROVAL**.

2. ***Southtown –**(2430)/Final Plat (County)
Northwest corner of East 136th Street North and Garnett Road

STAFF RECOMMENDATION:

This plat consists of 17 lots in one block on eleven acres.

All release letters have been received and staff can recommend **APPROVAL**.

3. **L-20178** – Kimley-Horn & Associates, Inc. (9419)/Lot- (PD 17) (CD 5)
Split
Southwest corner of South 31st Street East and South Garnett Road,
3116 South Garnett Road
4. **L-20180** – Chock & Cheryl Risenhoover (2323)/Lot-Split (County)
Northeast corner of North Memorial Drive and 156th Street North,
15478 North Memorial Drive
5. **L-20181** – Vangaurd Development (1334)/Lot-Split *(County)
Southeast corner of East 66th Street North and North Canton Avenue,
6712 North Canton

6. **L-20185** – Sack & Associates (8211)/Lot-Split *(PD 8) (CD 2)
South of West 71st Street and East of US-Highway 75
7. **LC-82** – H & C Leasing (9228)/Lot-Split (County)
Southeast corner of South 45th West Avenue and West 46th Street,
4621 W 46th Street
8. **L-20188** – Tulsa Development Authority (9201)/Lot-Split (PD 1) (CD 4)
Northwest corner of East Brady Street North and East Archer Street,
302 East Brady Street
9. **PUD-556-2 – Robert Sartin** (PD-17) (CD-6)
Approximately 1,300 ± feet west of the southwest corner East Admiral
Place and 161st East Avenue (15528 East Admiral Place) (Minor
Amendment to increase permitted warehouse/storage floor area and
reducing setbacks.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-556 for the purpose of increasing the permitted warehouse/storage floor area; reducing the previously amended setback from the west property line greater than 350' from the centerline of Admiral place from 40' to 30'; and reducing the setback from the south property line from 75' to 25', for the purpose of construction of a 14,700 square foot warehouse/storage building.

The total requested increase in floor area of 8,940 square feet is by definition a minor increase of 13.7% over the total permitted floor area. The PUD has an over-all approval of 70,500 square feet. 5,500 square feet of this area is unutilized floor area of residential, office and repair shop uses. Staff finds the 3,740 square feet that is being requested over the total permitted 70,500 square feet to be negligible, as the proposed increase is the least intensive use permitted within the PUD.

The approval of the original reduction of the setback requirement from the west property line, greater than 350' south of the centerline of Admiral Place from 75' to 40' was based on the original 75' setback requirement along the west boundary, "predating the approval of IL zoning and PUD-560 to the west". The remaining abutting AG zoned area of PUD-560 to the west is now reduced to an AG zoned tract between IL district and an undeveloped RMH zoned tract and is unlikely to be developed residentially.

Staff finds the reduction of the setback requirement along the south parcel line from 75' to 25' to be minor in nature. This portion of PUD-556 is zoned SR. The abutting parcel to the south - PUD-679, is zoned IL, is largely undeveloped, and

is a City of Tulsa Parking and Storage Facility. Straight zoning would permit a 0' lot line.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-556-2.

(Note: approval of a minor amendment does not constitute detail site plan approval)

12. **PUD-431-C – Copper Oaks 101st – Steve Wright** (PD-26) (CD-8)
6315 East 102nd Street South (Detail Site Plan for a two-story office building.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for Lot 2, Block 1 – Copper Oaks Office Park for the construction of a 2-story office building. The proposed use, Use Unit 11, Office, Studios and Support Services is in conformance with Development Standards of PUD-431-C.

The proposed site plan meets permitted building floor area, height and setback requirements. Access to the site is provided via mutual access easement and one access drive from Norwood Ave. Parking requirements have been met per the Zoning Code and pedestrian circulation is provided as required. Sidewalks, while missing from the submitted plan, will be provided along the Mutual Access Easement per approved development standards and platting requirements/subdivision regulations prior to the release of approved plans.

Therefore, staff recommends **APPROVAL** of the detail site plan for Lot 2, Block 1 – Copper Oaks Office Park with the following minor revisions to the site plan:

- Show sidewalks along Mutual Access Easement per plat requirements and TAC recommendations made part of the approval of PUD-631-C.

(Note: Detail site plan approval does not constitute lighting and sign plan approval.)

13. **Z-6010-SP-3 – Charles Norman/Verizon Wireless** (PD-17) (CD-6)
12223 East State Farm Boulevard (Detail Site Plan for a new Verizon Wireless switching facility.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new Verizon Wireless Switching Facility. The proposed use, Use Unit 4, Utility Facilities is in conformance with Development Standards of Z-6010-SP-3.

The proposed site plan meets building floor area, height and setback requirements. Access to and within the site is provided by mutual access easement from two access points; one from Tract 1A to the west, and one from Tract 1-C to the east. Both provide access from State Farm Boulevard. The site meets parking, lighting and landscape requirements per development standards and the Zoning Code.

Staff recommends **APPROVAL** of detail plan for Verizon Wireless; Lot 1, Block 2 – Amberjack subject to the following minor revisions to the detail site plan submitted:

Show Mutual Access easements on face of the plan for access points from State Farm Boulevard which are not within the limits of the subject property, or, move the access points to a place entirely within the limits of tract;

Show required setback distances and proposed setback distances in the “detail site plan” box on site plan.

Change total number of required parking spaces in “detail site plan” box from 51 required spaces to 0, the required number of spaces for Use Unit 4.

(Note: Detail site plan approval does not constitute sign plan approval.)

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **APPROVE** the consent agenda Items 1 through 9 and 12 through 13 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

10. **Z-7008-SP-1d – Sack & Associates** (PD-8) (CD-2)

West side of Olympia Avenue, approximately 1,900 feet north of 81st Street South (Corridor Minor Amendment to allow a lot-split creating new Tract A and Tract B and reallocating floor area.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to Z-7008-SP-1 for the purpose of allowing a lot split creating new Tract A and Tract B from existing Lots 5, 6 and the northern portion of Lot 7 (see attached Exhibit A) and reallocating floor area to the new development tracts and the remaining portion of Lot 7.

The original staff recommendation, as represented below in "Section A" was calculated by staff without using the allotted floor area allocations as assigned per the Tulsa Hills plat. An FAR value of .25 was used, per the approved development standards from the February 2, 2006 approval of Corridor District Site Plan Z-7008-SP-1.

Section A - Original Staff Recommendation:

EXISTING

	Square Footage	Permitted FAR per Z-7008-SP-1	Permitted Floor Area
Lot 5	73,256	.25	18,314
Lot 6	63,349	.25	15,837
Lot 7	58,996	.25	14,749
Total Floor Area Permitted	195,601	.25	48,900 SF

PROPOSED

Proposed	Square Footage	Permitted FAR per Z-7008-SP-1	Permitted Floor Area	% Increase or Decrease
Tract A	102,845	.25	25,711.25	+ 29%
Tract B	61,071	.25	15,267.75	- 4%
Remainder Lot 7	31,685.83	.25	7,921.45	- 53%
Total Floor Area Permitted			48,900 SF	

REVISED CALCULATIONS AND RECOMMENDATION:

	Square Footage	Permitted Floor Area per Z-7008-SP-1	FAR
Lot 5	73,256	21,088	.28
Lot 6	63,349	18,236	.28
Lot 7	58,996	16,983	.28
Total	195,601	56,307	.28

	Square Footage	Proposed Floor Area Re-allocation	FAR
Lot 5	73,256	29,605	.40

Lot 6	63,349	17,577	.27
Lot 7	58,996	9,125	.15
Total	195,601	56,307	.28

Staff has reviewed the proposed revised re-allocation of floor area and finds the new distribution of floor area to be constant with the approved development standards of Z-7008-SP-1 and well within the 1.25 recommended FAR in the Corridor chapter of the Zoning Code.

Since there is no over-all increase of permissible floor area being requested for the development area, staff finds the request to be minor in nature and therefore recommends **APPROVAL** of minor amendment Z-7008-SP-1d.

(Note: approval of a minor amendment does not constitute approval of a lot split or detail site plan)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, Midget, Sparks, Shivel "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Perry "absent") to **APPROVE** the corridor minor amendment for Z-7008-SP-1d per staff recommendation.

* * * * *

11. ***PUD-639-A-4 – Roy Johnsen** (PD-6) (CD-9)

Southeast corner of 21st Street South and Main Street (Minor Amendment to allow the split of the northern ½ of PUD into two development areas.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-639-A, Tract 2. The amendment request is to allow the split of the northern ½ of PUD-639-A, approved as Tract 2 (see Exhibit A), into two development areas – Tract 2-A and Tract 2-B (see Exhibit B). The amendment request is to allow for the construction of 13 dwelling units on Tract 2-A, referred to herein as "The Flats". Tract 2-B would be reserved for future development.

The request specifically seeks to establish the two new development areas; reduce the setback requirement along the southern boundary of original Tract 2 from 30 feet to 18-feet; establish a five-foot setback requirement from internal boundaries; increase the permitted height of a screening wall or fence permitted

along the public right-of-way from six-feet to seven-feet; eliminate Use Units 12, 13, and 14 as permissible uses in the development area; and increase the permitted height of residential structures from 35 feet, as permitted by the RM-2 District, to 42 feet.

Staff has reviewed the applicant's concept plans and views the above referenced requests as minor in nature. Therefore, staff recommends **APPROVAL** of minor amendment PUD-639-A-4 subject to the following development standards for Tracts 2-A and 2-B:

	Original Tract 2, PUD-639-A	Tract 2-A – “The Flats” .867 acres	Tract 2-B - Future Development .559
Net Land Area	1.48 acres		
Permitted Uses	Multifamily uses as included within Use Unit 8; office and retail uses as included within Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Eating Establishments Other Than Drive-Ins; Use Unit 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services.	<u>Condominium residences (Use Unit 8 – Multi-family Dwellings)</u>	Use Unit 11 – Office Studios and Support Services
	Original Tract 2, PUD-639-A	Tract 2-A – “The Flats”	Tract 2-B – Future Development
Maximum Number Dwelling Units	12	13	n/a_0
Maximum Building Floor Area	Office - 24,850 SF; Office/Retail - 10,900 SF (37,750 total).	n/a	<u>21,849-24,850 SF</u>

Maximum Building Height	five-stories not to exceed 66'	<u>North building – Max Ht N. Elevation 43 FT.</u> <u>Max. Ht. S. Elevation 38 FT.</u> <u>3-stories, not to exceed 40-feet.</u> South building max. height north elevation – 48'; south elevation 36'.	5-stories not to exceed 66 FT.
Setbacks:			
From the centerline 21 st Street:	40'	40'	40'
From the centerline Main Street:	40'	40'	n/a
From the centerline Boston Ave.:	40'	n/a	40'
From the South Boundary Tract 2:	30' – Principal Building; 0' Parking Garage	18'	18'
From Internal Development Area Boundary:	n/a	5'	5'
Minimum Livability Space Per DU:	200 SF	200 SF	n/a
Other Bulk and Area Requirements:	Per applicable Use Unit	As required by RM-2 District	As required by OM District.
Parking Requirements:	Per applicable Use Unit	As required by RM-2 District	As required by OM District.
	Original Tract 2, PUD-639-A	Tract 2-A – “The Flats”	Tract 2-B - Future Development

Minimum Landscaped Open Space:	15% of net lot area*	15% of net lot area <u>n/a</u>	15% of net lot area <u>of tract 2B*</u>
	<i>*May be located within the first and second levels. All landscaped areas must meet the requirements of the Landscape Chapter and PUD Chapter of the Zoning Code.</i>	<i>*Required Landscaped area may be located in the first and second levels of Tract 2B</i>	
Screening:	6' permitted along property lines adjoining public streets.	<u>Screening fences or walls shall not be required, provided however that screening fences or walls up to seven feet in height are permitted along the property lines of Tract 2A adjoining public streets, and screening fences and walls up to eight feet in height are permitted along the other property lines of Tract 2A</u> <u>7' permitted along property lines adjoining public streets; and 8' along internal boundaries</u>	<u>Screening fences or walls shall not be required along interior boundaries; along Boston, fencing shall be required as provided by the applicable Use Unit, provided however, alternative screening may be provided pursuant to detail site plan review.</u> As required per applicable Use Unit.
Signs:	Wall signs shall be permitted on the north- and west-facing walls not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75 percent of the	As permitted in the Residential District per 402, B-4.	Wall signs shall be permitted on the north- and west-facing walls not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a

frontage of the building. No wall signs shall be permitted on south- and east-facing walls. Ground signs are not permitted.

wall sign shall not exceed 75 percent of the frontage of the building. No wall signs shall be permitted on south- and east-facing walls. Ground signs are not permitted.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards for Tracts 2-A and Tract 2-B.
4. ~~A detail landscape plan for Tract 2-A and Tract 2-B shall be approved by the TMAPC prior to issuance of a building permit.~~ A detail landscape plan for each development area shall be approved by the TMAPC prior to issuance of a building permit within the applicable development area. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building-mounted within Tracts 2-A and 2-B, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

9. ~~All private roadways shall have a minimum right of way of 30' and be a minimum of 26' in width for two way roads and 18' for one way loop roads, measured face to face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent. Private drives shall be minimum 24 feet in width.~~
10. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
11. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
12. Approval of the minor amendment is not an endorsement of the conceptual layout. This will be done during detail site plan review.

(Note: Approval of a minor amendment does not constitute detail site plan approval)

TMAPC COMMENTS:

Mr. Carnes asked Mr. Sansone if the applicant is in agreement with the changes that staff has made to the staff recommendation. In response, Mr. Sansone answered affirmatively. Mr. Sansone indicated that he met with the applicant this morning to review the changes.

Interested Parties Comments:

Chip Atkins, 1638 East 17th Place, 74120, stated that he is not here to comment on the subject proposal, but he is questioning what a minor amendment is in the City Zoning Code. When a PUD is granted, people have a chance to express that opinion, but what he sees today is two PUDs forming. He doesn't see how forming two PUDs is a minor amendment.

Mr. Sansone explained that there are three requests being made and by the definition this meets the definition of a minor amendment.

Mr. Ard stated that this is actually splitting an existing PUD into two development areas with reallocation of land within the same PUD. In response, Mr. Sansone agreed with Mr. Ard's statement and indicated that the applicant is actually reducing the impact to the lot with this minor amendment.

Mr. Ard asked Mr. Atkins if this answered his question. In response, Mr. Atkins stated that it doesn't because now there are two different plats now. Mr. Atkins further stated that he could understand if both sides are going to be identical, but

they are not and now there are two separate plats. Mr. Atkins reiterated that he doesn't see how this could be the same PUD if it is separated down the middle with two different ideas. Mr. Atkins concluded that this is a very nice project and he commends Mr. Coury for this development.

Joseph Dempsey, 22 East 22nd Street, 74114, stated that he is the treasurer of the homeowners association that is directly north of the subject development. He explained that he only received information about this development this morning. He further explained that his investment to this project to the north is approximately one million dollars. Mr. Dempsey expressed concerns with the subject development and he is sure the homeowners association is as well. He indicated that the president of the homeowners association signed a letter approving this, which was unauthorized. He requested that the Planning Commission allow the homeowners association the opportunity to look at this project before any action is taken.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Dempsey where he lives. In response, Mr. Dempsey stated that he lives on 22nd Street in the Tudors. Ms. Cantrell stated that she believes the letter of support is from Maple Ridge Homeowner's Association. Mr. Dempsey stated that he spoke with Maple Ridge Homeowner's Association President and he explained that he was informed that the residents at Tudors had approved the proposal, of which he is not sure. Mr. Dempsey believes that there is a misrepresentation, because Maple Ridge withdrew their request for a continuance based on false information.

Mr. Dempsey requested that everyone involved have ample opportunity to evaluate the proposal to make sure that it doesn't devalue properties.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated that he checked the notice file and it is in accordance with staff's procedures and there shows a mailing to Mr. Dempsey within the time required by the ordinance.

Mr. Johnsen stated that Mr. Coury met with people within Tudors I approximately one month ago. He further stated that his client met with residents in Tudors II last evening. Mr. Coury understood that there were no objections. He indicated that he recently received a letter from the president of the Tudors I Association stating their support (Exhibit A-1). Mr. Johnsen read the letter of support. He commented that Mr. Coury meant no misrepresentation because he believed that there were no objections from the residents. There have been notices, meetings and people who have actual knowledge of what is being proposed, and this meets the normal standards of procedure that the Planning Commission follows. Mr. Johnsen stated that Mr. Dempsey is certainly within his rights to object, but he will stand on the proposition that the majority of the people in this area are supportive of this proposal.

Mr. Johnsen cited the history of the approval for a five-story building on the subject property. He explained that there was also a four-story office building approved and he is not changing that except for deleting one condominium unit that had been allocated to it, which is on the east half of the subject property. His client is trying to create two development areas in the existing PUD and establish the standards for each development area. This is minor and it does not create two PUDs. The PUD includes the entire block, including the single-family that has been developed. This is the same PUD with development areas identified. The intensity of development on the subject PUD is going down and retail is being deleted. There is no change in uses and the underlying zoning is not changing. This is simply an internal assignment of a boundary in order to apply the appropriate development standards.

Mr. Johnsen stated that the financing for the condominium units will be separate from the financing for the office building because it is not ready to be developed at this time. When one borrows the money, the lender will want a mortgage and a defined parcel. This gives a defined parcel with the lot-split. The street right-of-way, drainage and utility easements have already been dealt with.

Mr. Johnsen concluded and requested the Planning Commission to approve the subject application in accordance with the staff recommendation as amended.

TMAPC COMMENTS:

Ms. Cantrell asked if there are two neighborhood associations. In response, Mr. Johnsen stated that he believes that there are two associations and his client has met with these associations and received favorable support. Ms. Cantrell requested that the letter of support be submitted (Exhibit A-1).

Mr. Carnes stated that he believes that this is a minor amendment and it has been done in the past.

Ms. Cantrell stated that she believes that one of the main reasons to have a major amendment is to assure that there is adequate notice and clearly the applicant has taken steps necessary to meet with the neighborhood association. She indicated that she is fine with treating this as a minor amendment.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **APPROVE** the minor amendment per staff recommendation for PUD-639-A-4 as modified. **~~*(Language with a strike-through has been deleted and language with an underline has been added.)~~**

Mr. Ard announced that there are some continuances requested today. He further announced that during the public hearing to consider an ordinance amending Chapter 42 of the Zoning Code of the City of Tulsa regarding signs the temporary signs will not be addressed due to lack of notice. A notice will be prepared and this will be considered at another meeting.

15. **South Town Market** – (8324) Preliminary Plat (PD 26) (CD 8)
Northeast corner of East 101st Street South and Memorial Drive (**A continuance is requested until March 19, 2008 so that the PUD standards can be established per an appeal to City Council.**)

STAFF RECOMMENDATION:

Mrs. Fernandez stated that this item is up for appeal to the City Council for the PUD standards. Staff is recommending a continuance so that the PUD standards can be established per this appeal. She explained that currently there are no standards to judge the plat by at this time and there will not be a new site plan showing access turns or where the new standards might show access. The covenants will have to be revised to include whatever the new standards are and if the subject preliminary plat is approved today without conditions set, then at the final plat phase most of the work will done as if it is a preliminary plat.

Applicant's Comments:

Ted Sack, 111 South Elgin, 74120, requested that this be heard today as a preliminary plat and he understands that the minor amendment for the PUD has been appealed to the City Council. The changes that might happen in the appeal process will minor in nature and he is willing to make those changes and take that risk in order to move forward.

TMAPC COMMENTS:

Mr. Harmon expressed his concern of approving a preliminary plat without knowing if new standards are forthcoming.

After discussion it was determined that the Planning Commission couldn't make a decision on this preliminary plat without a staff recommendation before them. Mr. Alberty determined that if the applicant is willing to proceed at his own risk the City of Tulsa wouldn't be at risk, but it would require more work on the staff and Planning Commission at the final plat phase. Mr. Alberty stated that staff is standing behind the process and that is why staff recommended a continuance.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **CONTINUE** the preliminary plat for South Town Market to March 19, 2008.

22. **Z-7085 – John Moody**

AG/RM-1/OL to CS

North of northeast corner of North Cincinnati Avenue and East 31st Street North

(PD-25) (CD-1)

Applicant's Comments:

Mr. Moody stated that he has filed a request for a continuance until May 7, 2008 in order to amend the application to reduce the land area and prepare a PUD application.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **CONTINUE** Z-7085 to May 7, 2008.

24. **Z-7090 – Maurie Traylor**

RS-3 to OL

1610 & 1612 South Lewis Avenue (**Applicant has requested a continuance to April 16, 2008 to be heard along with the PUD.**)

(PD-6) (CD-4)

STAFF RECOMMENDATION:

Ms. Matthews stated that this property is located within the Lewis Study area and the applicant is currently in the process of developing a PUD. The applicant is requesting a continuance to April 16, 2008.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **CONTINUE** Z-7090 to April 16, 2008 in order to be heard with the PUD application.

26. **Z-7089/Z-7089-SP-1 – Roy Johnsen**

AG to CO

Northeast corner of West 61st Street South and Highway 75 South (Corridor Plan to establish a conceptual site plan with designation of development areas.) (PD-8) (CD-2)

STAFF RECOMMENDATION:

Ms. Matthews stated that she believes the applicant is in agreement with a continuance.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated that the continuance is not his request. He explained that Mr. Schuller has requested the continuance and he has no objection to the continuance.

Interested Parties Comments:

Stephen Schuller, 1100 Oneok Plaza, 100 West 5th St., 74103-4217, stated that his client is the Greater Tulsa YMCA and owns property immediately adjacent to the subject property to the north. He indicated that his client didn't receive notice of the hearing and heard about the meeting through neighbors in the subject area. His client hasn't had time to look at the project and develop a response to it. Mr. Schuller requested a continuance to March 26, 2008.

Interested Parties Comments:

Charles Williams, 8705 South Evanston, 74137, requested more information regarding how close the subject proposal is to the Turkey Mountain Urban Wilderness Area.

Mr. Ard suggested that the interested parties meet with Mr. Johnsen after the meeting or contact staff for more information.

Mr. Alberty stated that staff has the information Mr. Williams is requesting and can provide it to him.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **CONTINUE** Z-7089/Z-7089-SP-1 to March 26, 2008.

PUBLIC HEARING

16. **Central Park at Union** – (8406) Preliminary Plat (PD 18B) (CD 6)
Southeast corner of East 62nd Street and South Mingo Road

STAFF RECOMMENDATION:

This plat consists of two lots, two blocks, on 14.09 acres.

The following issues were discussed February 21, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 and OL with Board of Adjustment case 20611 approved for a Special Exception for a public school accessory uses and parking and with variances to setbacks, and fence heights.
2. **Streets:** Deed of Dedication and Restrictive Covenants need to have language relating to sidewalks. Sidewalks required along 62nd Street and 101st Avenue on Lot 1, Block 2. Provide additional right-of-way for a 30-foot radius at Mingo Road per Subdivision Regulations. The Final Plat shall show the documentation number of the legal vacation of each section of closed right-of-way. In the legal description, include the verbal description of all sections of vacated right-of-way granted ownership upon final court action rather than refer to an ordinance. Particularly, please include both the former right-of-way between Lots 6 and 7 and also east of Lots 6-8 upon final vacation. Section I, add the standard language for Limits of No Access. In Section IA, dedicating public right-of-way, please change the term "street" to "street rights-of-way".
3. **Sewer:** Provide perimeter easements for the entire plat. If an eleven-foot or larger easement exists adjacent to the boundary of the plat, then an eleven-foot easement is adequate. If not, then a 17.5-foot easement is required. Service lines will not be allowed to connect at the manhole, and cleanouts must be provided every 100 feet and at every bend.
4. **Water:** No comment.
5. **Storm Drainage:** PFPI No. 2903 has already addressed the stormwater issues for this proposed plat.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

GIS: Location map needs to be scaled up 1.5 - 2 times. Location map needs north arrow and scale. Do not show lot and block lines in the other subdivisions on the location map. All subdivisions within the location map should be labeled. Engineer's CA number, expiration date, and e-mail address should be under Engineer's address. "Date of Preparation" text should be on the face of the plat. Basis of bearing for the plat's survey should be clearly described and be stated in degrees, minutes and seconds (no reference to another plat). Need to include "part of the NW/4 of Section 6, T18N, R14E, City of Tulsa" in the legal description at the top of plat under plat name. "South 99th Avenue East" should read "South 99th East Avenue". "Mingo Road (97th East Avenue)" should read "South Mingo Road (South 97th East Avenue)". "101st East Avenue" should read "South 101st East Avenue". Tract A Point of Commencement should be tied to the nearest section corner or quarter with a bearing and distance to the Point of Beginning. Tract B Point of Commencement should be tied to the nearest section corner or quarter corner with a bearing and distance to the point of beginning. Covenants need to include "part of the NW/4 of Section 6, T18N, R14 E, City of Tulsa" in the legal description at the top of the covenants. Tract A Point of Commencement should be tied to the nearest section corner or quarter corner with a bearing and distance to the point of beginning. Tract B Point of Commencement should be tied to the nearest section corner or quarter corner with a bearing and distance to the point of beginning. Need distance of the first curve (39.40').

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]

15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant's Comments:

Jim Beach, Wallace Engineering, 200 East Brady Street, 74103, representing Union Public Schools, stated that he is in agreement that sidewalks should be provided, but he would like to point out that there is a wavy sidewalk that runs along 62nd Street, which is in the public side and private side. His client would like to use that to meet the sidewalk requirement. The sidewalk will also function as a jogging/walking trail around the perimeter of the subject property. There are connections to the street with handicap ramps and connects with the sidewalk along Mingo Road.

TMAPC COMMENTS:

Mr. Ard asked staff if that would acceptable. In response, Mr. Alberty stated that he doesn't believe it would be a problem, but it would be determined by Public Works.

Mr. Ard stated that Mr. French is nodding approval.

Mr. Sparks indicated that this is a client of his and he should abstain.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-1** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel "aye"; no "nays"; Sparks "abstaining"; Cantees, Midget, Perry "absent") to **APPROVE** the preliminary plat for Central Park at Union, subject to special conditions and standard conditions per staff recommendation, subject to the existing sidewalk along 62nd Street meets the sidewalk requirement subject to Public Works approval.

- 17. **Central Park at Union – (8406) Authorization for Accelerated Release of Building Permit** (PD 18B) (CD 6)
 Southeast corner of East 62nd Street and South Mingo Road

STAFF RECOMMENDATION:

The property is zoned RS-3 and OL with Board of Adjustment case 20611 approved for a Special Exception for a public school accessory uses and parking and with variances to setbacks, and fence heights. Full building permits are requested. A preliminary plat is to be considered on the same TMAPC agenda as this request.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: To avoid arbitrage penalties in 2006 bond funds construction must be complete summer 2008 (begin mid-march). Plat application was delayed by title work on multiple properties that comprise the project site. Union Schools has a history of performance on its projects in the community. Plat will be processed diligently and the certificate of occupancy may be held until plat is filed.

The following information was provided by the Technical Advisory Committee in its meeting February 21, 2008.

ZONING:

TMAPC Staff: Full permits are requested.

STREETS:

Public Works, Transportation: No comment.

Public Works, Traffic: Will the small field house shown in PFPI 2903 (concessions, rest rooms, etc.) be included in this request? (Yes)

SEWER:

Public Works, Waste Water: No comment.

WATER:

Public Works, Water: No comment.

STORM DRAIN:

Public Works, Storm Water: Okay, PFPI 2908 has already been approved.

FIRE:

Public Works, Fire: No comment.

UTILITIES:

Franchise Utilities: No comment.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-1** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel "aye"; no "nays"; Sparks "abstaining"; Cantees, Midget, Perry "absent") to **APPROVE** the authorization for accelerated release of building permit for Central Park at Union per staff recommendation.

18. **PUD-541-A-**(1930)/Plat Waiver (PD 6) (CD 9)
East of the southeast corner of East 43rd Court and South Peoria
Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major PUD amendment and the request for an existing subdivision to be tied to another subdivision by a lot combination. Revised covenants to include the PUD standards are on the same agenda for TMAPC approval.

Staff provides the following information from TAC at their February 21, 2008, meeting:

ZONING:

TMAPC Staff: Revised covenants with the PUD standards will be filed for the existing plat.

STREETS:

Sidewalk required along Quaker and 44th Place. Provide additional right-of-way for a 30-foot radius at Mingo Road per Subdivision Regulations. The final plat shall show the documentation number of the Legal Vacation of each section of closed right-of-way.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver with the revised covenants being approved and filed.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X*	
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?	X	
a) If yes, was plat recorded for the original P.U.D.	X	
10. Is this a Major Amendment to a P.U.D.?	X	
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		X
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

*Covenants with appropriate changes are proposed for approval on this TMAPC agenda.

TMAPC COMMENTS:

Mr. Marshall asked Mr. Schuller to speak on this issue. In response, Mr. Schuller stated that he wasn't paying attention to this case since he is here for another item. Mr. Marshall requested Mrs. Fernandez repeat the staff recommendation to Mr. Schuller. After rehearing the staff recommendation, Mr. Schuller stated that he had no objection to this request. In response, Mr. Marshall stated that Mr. McBride requested a continuance. Mrs. Fernandez stated that she spoke with Mr. McBride this morning and she is not sure that he requested a continuance, but simply asked for more information. Mrs. Fernandez stated that her conversation with Mr. McBride seemed to satisfy his request for more information.

Applicant's Comments:

Ted Sack, 111 South Elgin, 74120, stated that he is in agreement with staff recommendation. He explained that he did talk to Mr. McBride and answered his questions.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **APPROVE** the plat waiver for PUD-541-A per staff recommendation.

* * * * *

- 19. **Revision to Covenants and Restrictions, Lot 4, Block 6, Wilder Addition, PUD 541-A** (PD 6) (CD 9)

East of the southeast corner of East 43rd Court and South Peoria Avenue

STAFF RECOMMENDATION:

Mrs. Fernandez stated that this ties the PUD standards together for both developments and staff recommends **APPROVAL**.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **APPROVE** the revision to covenants and restrictions, Lot 4, Block 6, Wilder Addition, PUD-541-A per staff recommendation.

* * * * *

20. **BOA 20541-**(1937) Plat Waiver (PD 18 B) (CD 7)
West and south of the southwest corner of East 47th
Place and South Fulton

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Special Exception for church classrooms.

Staff provides the following information from TAC at their February 21, 2008 meeting:

ZONING:

TMAPC Staff: The Board of Adjustment approved a request for expanded classrooms for the church.

STREETS:

Sidewalks are required along South Fulton Avenue.

SEWER:

No comment.

WATER:

The building must be sprinkled or a water main extension line with easements will be required.

STORM DRAIN:

No comment.

FIRE:

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

The building will either need to be fully sprinkled or a looped water main extension with a hydrant added to provide proper coverage.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		X
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		

- 10. Is this a Major Amendment to a P.U.D.? X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **APPROVE** the plat waiver for BOA-20541 per staff recommendation.

* * * * *

- 21. **BOA 20621** – (9201) Plat Waiver (PD 1) (CD 4)
401 North Boston Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by a request for a heliport pad which needs a Special Exception from the Board of Adjustment.

Staff provides the following information from TAC at their January 10, 2008 meeting:

ZONING:

TMAPC Staff: The Board of Adjustment will hear a request to permit a heliport in the CBD district on February 12, 2008 and on February 26, 2008.

STREETS:

Dedicate right-of-way for 25-foot intersection radii at both corners.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No objections to this plat waiver.

FIRE:

Heliports need to comply with Section 412.5 of the International Building Code and Section 1107 of the International Fire Code.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?		X
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X

- 8. Change of Access
 - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
 - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to **APPROVE** the plat waiver for BOA-20621 per staff recommendation.

- 23. **CZ-390 – At Your Service Rentals** **RS-3 to IL**
 Northwest corner of North Mingo Road and East (County)
 56th Street North

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11803 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: IL **PROPOSED USE:** Warehouse

RELEVANT ZONING HISTORY:

BOA-20616 December 11, 2007: The Board of Adjustment approved a Variance of the 75ft. setback requirement for industrial development from an abutting R district; and a Special Exception to eliminate the screening requirement with conditions and per plan, on property located on the southwest corner of East 56th Street North and North Mingo Road and abutting south of subject property.

Z-6621 March 1998: All concurred in approval of a request for rezoning a 6.75+ acre tract of land from AG to IL for industrial use on property located north of the northwest corner of East 46th Street North and North Mingo Road and south of subject property.

Z-6408 September 1993: All concurred in approval of a request for rezoning a 1.83+ acre tract of land from RS-3 to IL on property located on the southwest corner of East 56th Street North and North Mingo Road and abutting south of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.5+ acres in size and is located northwest corner of North Mingo Road and East 56th Street North. The property appears to have a residence on a portion of it and some vacant and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Mingo Road	Secondary arterial	100'	2

UTILITIES: The subject tract has water available and no sewer.

SURROUNDING AREA: The subject tract is abutted on the east by industrial and related uses, zoned IM; on the north by vacant land, zoned IM; on the south by industrial use, zoned IL; and on the west by vacant land, zoned IM.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being High Intensity- No Specific land use. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The surrounding zoning on all sides is industrial and the plan calls for the property to be High Intensity. The subject property is an anomaly and staff can support its rezoning to IL. Therefore, staff recommends **APPROVAL** of IL zoning for CZ-390.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry "absent") to recommend **APPROVAL** of the IL zoning for CZ-390 per staff recommendation.

Legal Description for CZ-390:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 SE/4 SE/4) OF SECTION 1, T-20-N, R-13-E; THENCE NORTH 660 FEET; THENCE WEST 400 FEET; THENCE SOUTH 660 FEET; THENCE EAST 400 FEET TO THE POINT OF BEGINNING; **From: RS-3 (Residential Single-family District)**
To: IL (Industrial District).

25. **Z-7077/PUD-750 – James Lane** **RS-3/HP to OL/HP/PUD**
North of northwest corner of East 17th Street and (PD-6) (CD-4)
South Lewis Avenue (PUD for proposed office use.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established RS-3 zoning for the subject property. Ordinance number 17141, dated March 24, 1989 established the HP zoning on the subject property.

PROPOSED ZONING: OL/HP/PUD **PROPOSED USE:** Light office

RELEVANT ZONING HISTORY:

Z-6985 January 2008: All concurred in approval of a request for rezoning a .19+ acre tract of land from RS-3 to OL on property located on the southeast corner of East 16th Street and South Lewis Avenue.

Z-6934 February 2004: An application to rezone a lot located on the southeast corner of East 17th Place and South Lewis from RS-3 to OL was withdrawn by the applicant prior to TMAPC hearing.

Z-6635 May 1998: All concurred in approval of a request to rezone an area that included several residential and office zoned lots lying on the south side of the Broken Arrow Expressway, east of South Lewis Avenue to South Atlanta Avenue on the east from RS-3 and OL to CS for a large chain grocery store.

Z-6212 May 1989: All concurred in approval of a request to zone the Gillette neighborhood with HP supplemental zoning overlay. This request included properties lying south of 15th Street and those lots fronting South Yorktown on the west; including those lots fronting South Gillette Avenue on the east to East 17th Street on the south.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .one-half acre in size and is located north of the northwest corner of East 17th Street and South Lewis Avenue. The property appears to be in single-family residential use and is zoned RS-3/HP.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Lewis Avenue	Secondary arterial	100'	4

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses (one of which is under appeal as part of the 15th and Lewis Study), zoned RS-3; on the north by a single-family residence, zoned RS-3; on the south by single-family residential uses, zoned RS-3; and on the west by single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE LEWIS STUDY (15TH AND LEWIS STUDY):

The Lewis Study designates this area as the North-Area study area. According to the Lewis Study additional commercial zoning within the entire study area would be inappropriate. However, the requested OL zoning and subsequent required PUD request is in accord with the recommendations and requirements of the Lewis Study and retains the residential character of the study area and ensures compatibility with the surrounding residential uses.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Area C of the Cherry Street Special Consideration Area and Low Intensity-Residential land use. According to the Zoning Matrix, the requested OL/HP zoning **may be found** in accord with the Plan because of its location within a Special Consideration Area. Provisions of the Cherry Street Study call for development and redevelopment to enhance and be compatible with the existing land use and historic character of the neighborhood, provision of rigorous code enforcement and a pedestrian way/bikeway that is compatible with adjacent residential neighborhoods. The recent 15th Street and Lewis Study recommended use of the PUD for any rezoning fronting onto South Lewis Avenue, among other things. That study has been adopted by the TMAPC and City Council.

STAFF RECOMMENDATION FOR ZONING:

Based on the Cherry Street Study, existing development, surrounding uses and the recent 15th Street/Lewis Study, staff can support office zoning on these properties if the accompanying PUD-750 or some variation of it is also approved. Staff therefore recommends **APPROVAL** of OL/HP zoning for Z-7077.

STAFF RECOMMENDATION FOR PUD:

PUD-750 is a .62 acre (+/-) tract located on the west side of Lewis Avenue, approximately 100-feet north of 17th Street South. The proposed PUD is currently platted as Lots 13, 14, and 15, Block 1 – Hoppings Addition and are addressed as 1552, 1602 and 1606 South Lewis Avenue respectively. Lots 13 and 14 have existing residential structures while lot 15 is currently vacant.

PUD-750 and concurrent zoning application Z-7077 propose to change the underlying zoning for the three lots from RS-3 to OL so the existing structures may be utilized for office uses. Lot 15 (proposed Development Area B) would be developed as an office use within an anticipated three-year period. With the exception of maintenance repairs and ordinary upkeep, the existing structures on lots 13 and 14 (proposed Development Area A) would remain relatively untouched to retain the residential character of the neighborhood per recommendation of the Lewis Study. Another requirement of the Lewis Study states rezoning applications in the Study area must be accompanied by the development of a PUD, “until an appropriate special zoning district – the preferred method – is adopted”.

The applicant’s concept development plan has been reviewed against the “Design Guidelines” as recommended in the Lewis Study and adopted by the Tulsa City Council on August 2, 2007. The applicant’s concept development plan has been found to be in accord with those recommendations. The Lewis Study Design Guidelines text will be made a condition of approval of PUD-750.

The proposed concept development plan is within all permissible floor area, building height, screening and landscaping requirements. Existing sidewalks will remain and be maintained by the land owner. Access to the site is provided from one access point to each site. There are no additional curb cuts proposed and none are permitted per the Lewis Study.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code as well as the Lewis Study. Based on the following conditions, staff finds PUD-750 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code and the Lewis Study.

Therefore, staff recommends **APPROVAL** of PUD-750 as amended by the TMAPC and subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. The Lewis Study Design Guidelines and Alternatives be made a condition of approval and are included below.
3. Development Standards:

DEVELOPMENT AREA A

AREA:	.41 acres gross	18,050 SF gross
	.33 acres net	14,550 SF net

PERMITTED USES:

Permitted OL District Uses include and are limited to: Accountants Office, Advertising Agency, Architect's Office, Artist's Studio, Computing Service, Counselor or Counseling Office, Data Processing Service, Drafting Service, Engineer Office, Interior Design Consultant (no retail sales), Law Offices, Photography Studio, Studio or School for Teaching Language or Business, Studio or School for teaching Handcrafted Visual Fine Arts such as Painting/Pottery/Sculpture; Use Unit 10, Off-Street Parking Areas as an accessory use only.

SPECIAL EXCEPTION USES PERMITTED AS PRIMARY USES:

Single-family dwelling; Duplex Dwelling; and Townhouse Dwellings

MINIMUM LOT WIDTH: 50'

MAXIMUM BUILDING FLOOR AREA: 5,415 SF (.3 FAR)

MAXIMUM BUILDING HEIGHT (Not to exceed two stories): 35 FT

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code. Parking must be located to the side and/or rear of buildings and must be located behind the front building line.

MINIMUM BUILDING SETBACKS:

From the centerline of Lewis Avenue	60 FT
From the north boundary of Development Area A	10 FT
From the West Boundary of the PUD	10 FT

Existing Building Setback from the west boundary
of the PUD for lot 13

5 FT

LANDSCAPED AREA:

A minimum of fifteen percent (15%) of the land area shall be improved as internal landscaped open space and the street yard shall be landscaped in accord with the Landscape Chapter of the Zoning Code and shall include at least five feet of landscape area on the east side of the eight-foot screening fence located on the west boundary.

LIGHTING:

Exterior light standards, including building mounted lighting shall not exceed 15 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Light standards shall be decorative and residential in style and function per the Lewis Study. Shielding of outdoor lighting shall be designed so as to prevent the light producing element of reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

SCREENING:

All parking and boundaries abutting a residential district shall be screened from such residential district by the erection of an 8' masonry wall or privacy fence per Draft Design Guideline #4 of the Lewis Study (below). The masonry wall or privacy fence shall have masonry pilasters and landscaping. Material used for privacy fences shall be opaque in nature, to completely screen any view of adjacent residential uses.

TRASH CONTAINERS:

Outside trash containers are restricted to that which is typical for single-family residential areas, and must be screened from view of any person standing at ground level.

SIGNS:

Signs shall be limited to one (1) ground sign or one (1) wall sign per lot, not to exceed six (6) square feet of display surface area. Any ground sign shall not exceed 4-feet in height. Illumination of any sign is prohibited. Banners or temporary signs related to the property's business are prohibited.

ACCESS AND PEDESTRIAN CIRCULATION:

No additional curb cuts will be permitted onto Lewis Avenue. At the time of detail site plan review a Pedestrian Circulation Plan shall be submitted.

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ACCESS AND PEDESTRIAN CIRCULATION:

No additional curb cuts will be permitted onto Lewis Avenue. At the time of detail site plan review a Pedestrian Circulation Plan shall be submitted.

PERMITTED HOURS OF OPERATION:

Hours of operation for permitted Office Light (OL) uses shall be limited to 7:00 am to 7:00 pm.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, pedestrian and vehicular circulation, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

4. A detail landscape plan for each lot shall be approved by the TMAPC and installed prior to issuance of any occupancy permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard or building-mounted light shall exceed 14 feet in height on the east 80 feet of Development Area A, and 20 feet on the remaining development. All lighting must comply with the Kennebunkport formula and the design guidelines of the Lewis Study.
9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage, stormwater drainage structures and any required detention areas serving a lot have been installed in accordance with approved plans prior to issuance of an occupancy permit on that lot.

This property is located in the upper reaches of the Crow Creek Drainage Basin with flooding downstream of this site. The additional stormwater drainage runoff created by the Development of a Commercial Site cannot be drained to adjacent residential areas. No building or occupancy permits permitted until adequate stormwater drainage is approved by the appropriate City Official.

10. No building permit shall be issued until the platting requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the

restrictive covenants the PUD conditions of approval and making the [City/County] beneficiary to said covenants that relate to PUD conditions.

11. Any proposed development is subject to the review of the Tulsa Historic Preservation Commission staff, to determine if a Certificate of Occupancy (COA) is required prior to approval of a detail site plan by the TMAPC. Should a COA be required, no building permit shall be issued until COA has been approved by the Tulsa Historic Preservation Commission and a detail site plan incorporating that approval is approved by the TMAPC.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments (amended 2/21/08):

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: This property is located in the upper reaches of the Crow Creek Drainage Basin, and there is flooding downstream of this site. The additional stormwater drainage runoff created by the Development of a Commercial Site cannot be drained to adjacent residential areas. This PUD does not address any of the related stormwater drainage issues listed above. These issues must be addressed.

Wastewater: No comments.

Transportation: Sidewalks required along Lewis.

TMAPC Transportation:

- MSHP: Lewis Ave, between 11th Street S. and 15th St. S., is a designated Urban Arterial.
- LRTP: Lewis Ave, between 11th Street S. and 15th St. S., existing 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- TMP: No Comment
- Transit: Currently, Tulsa Transit operates services at this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

Traffic: Lewis Avenue may require additional Right of Way to meet the minimum Right of Way of 35 ft for an Urban Arterial per the Major Street Plan. Commercial driveways shall be a minimum of 24 ft in width for 2-way access.

Historic Preservation: Any proposed development on site subject to the review of the Tulsa Historic Preservation Commission staff, to determine if a Certificate of Occupancy (COA) is required. Should a COA be required, no building permit shall be issued until COA has been approved by the Tulsa Historic Preservation Commission.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

TMAPC COMMENTS:

Mr. Marshall requested that staff include the minimum lot width in their staff recommendation.

Applicant's Comments:

James Lane, 1552, 1602 and 1606 South Lewis, 74104, stated that the end result of this is that a business and neighbors can work together to preserve the integrity of the area and benefit the business owner as well. He appreciates neighborhood association's help.

TMAPC COMMENTS:

Mr. Marshall stated that he met with Mr. Lane while looking at the property. He indicated that Mr. Lane met with neighbors and kept them informed. In response, Mr. Lane stated that when he purchased the subject property, he didn't realize that the previous owners had tried to impose some things in the subject area until the first zoning sign was posted. He decided it would be better to back off and work with the neighbors and the HOAs to keep them informed throughout the entire process. The Lewis Study has been beneficial to him and lays out what he can and can't do, plus it reserves the integrity of the neighborhood. Mr. Lane indicated that he had a joint meeting with the Yorktown and Lewiston Gardens HOAs.

Interested Parties For Z-7077/PUD-750:

Chip Atkins, 1638 East 17th Place, 74120; **Susan McKee**, 1616 South Victor, 74104; **Carol Lambert**, 2508 East 17th Street, 74104.

Interested Parties Comments For Z-7077/PUD-750:

This application shows how business owners can work with the neighborhoods and promote each other's property values. This is an example of a conservation district and is a perfect example of neighbors and businesses working together. The interested parties indicated that they support this project and believe it is good for their neighborhood and the City of Tulsa.

Mr. Sparks out at 2:45 p.m.

TMAPC COMMENTS:

Mr. Ard commended Mr. Lane and the neighbors for working together on this application.

TMAPC Action; 7 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry, Sparks "absent") to recommend **APPROVAL** of the OL/HP/PUD zoning for Z-7077 per staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Midget, Perry, Sparks "absent") to recommend **APPROVAL** of the PUD for PUD-750 per staff recommendation as amended by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7077/PUD-750:

Lots 13, 14, and 15, Block 1, Hoppings Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From RS-3/HP (Residential Single-family District/Historic Preservation District) To OL/HP/PUD (Office Low Intensity District/Historic Preservation District/Planned Unit Development [PUD-750]).**

ZONING CODE PUBLIC HEARING

27. Public Hearing to Consider an Ordinance Amending Chapter 42 of the Zoning Code of the City of Tulsa

Consider proposed amendments of the Zoning Code, City of Tulsa, Oklahoma by adding a new Section for "Off-Premise Digital Signs", a new definition for "digital signs" and providing for penalties and publication.

STAFF RECOMMENDATION:

Mr. Alberty stated that this is the proposed language change for the Zoning Code regarding LED and digital signs. The Sign Advisory Board presented this at the last TMAPC worksession.

TMAPC COMMENTS:

Mr. Ard asked the Planning Commission if they had any questions for the Sign Advisory Board. Mr. Ard stated that there are no questions from the Planning Commission and the Sign Advisory Board may want to speak after hearing from interested parties.

Mr. Boulden requested an opportunity to comment on the proposed language. Mr. Boulden stated that he would like the time to tweak the language and

perhaps the Planning Commission would like to continue this hearing to another date to review the amended language. Mr. Boulden proceeded to point out areas that should be changed in the proposed language or better clarified.

Mr. Carnes out at 3:00 p.m.

Interested Parties:

Bill Hickman, (PowerPoint Presentation and submitted U.S. Dept of Transportation Guidance, Exhibit B-1) 7777 East 38th Street, 74145; **Glen Wiebe**, Daktronics, 1007 16th Street South, Brooking, South Dakota; **Pat Selcer**, 6814 East 116th Street, Bixby, 74008; **Bob Poe**, 2131 East 29th Street, 74114; **Mike Joyce**, (PowerPoint Presentation) (submitted notebooks to the Planning Commission, Exhibit B-2) 1717 South Boulder, 74119.

Interested Parties Comments:

LED technology was explained and that the brightness of the signage can be changed remotely or manually; signage spacing was discussed and recommended by the interested parties to remain at 1,200 feet; discussion ensued regarding NITS and brightness; discussion ensued regarding the copy changing times and whether it should be 12 seconds or eight seconds; discussion regarding State and Federal recommendations of copy change times, spacing and safety issues; possibly the 2,400-foot spacing would create the smaller sign businesses to be at a disadvantage; LED outdoor advertising signs do not flash, the change in copy is instant and unnoticeable; every sign should be eligible to be LED or digital signs; digital billboards are not like the Sonic signs or Incredible Pizza; requested that digital signs be able to replace existing outdoor advertising signs; primary issues is the spacing and the proposed language, which could potentially create a monopoly that would benefit possibly one company.

TMAPC COMMENTS:

The Planning Commissioners and Legal asked questions to clarify digital signs, NITs, brightness, LEDs versus light bulbs, spacing issues, ambient light and viewing time or holding time. Discussion ensued regarding how other Cities and States regulate LED/Digital billboards.

Mr. Ard announced Mr. McArtor has to leave and the quorum will be lost.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Cantrell, Harmon, Marshall, McArtor, Shivel, "aye"; no "nays"; none "abstaining"; Cantees, Carnes, Midget, Perry, Sparks "absent") to **CONTINUE** the public hearing to consider an ordinance amending Chapter 42 of the Tulsa Zoning Code of the City of Tulsa to consider adding a new Section for "off-premise digital signs", a new definition for "digital signs" and providing for penalties and publication to March 19, 2008.

There being no further business, the Chair declared the meeting adjourned at 4:30 p.m.

Date Approved:

6/19/08
John A. Walsh

Chairman

ATTEST:

John A. Walsh
Secretary

10/10/10